

The Administrative Law Judge, in her Preliminary Hearing Order, found claimant had established that her present condition was work related, authorized Dr. Miguel Pirela-Cruz as her authorized treating physician, and ordered payment of all medical accrued to date as authorized medical. Respondent appeals from this order arguing that the claimant has failed to establish that her present right wrist condition is work related.

The Appeals Board, after a review of the whole record, disagrees with the respondent's arguments and finds, for reasons set forth below, that the claimant's work activities, which she performed for the respondent from July 26, 1994 through August 29, 1994, caused the injury to her right wrist.

The claimant testified that she woke up on the morning of July 26, 1994, with a sharp pain in her wrist, continuing to her elbow, and that the pain would not go away. She first telephoned a doctor who told her to take Advil and wear a wrist brace while she continued to work as an accounts payable clerk for the respondent. This work consisted of performing repetitive data entry activities on a computer approximately eighty-five percent (85%) of the time. The claimant further testified that even though she continued to wear the wrist brace, she became more symptomatic.

After approximately one (1) week, she made an appointment and went to see Dr. Kim Hartwell who treated her with a cortisone shot. Dr. Hartwell referred her to Dr. Miguel Pirela-Cruz, an orthopedic surgeon at the Wichita Clinic. In a letter dated September 2, 1994, Dr. Hartwell stated that the reason for the referral was that the claimant was not making any significant improvement as a result of the conservative treatment. Dr. Hartwell went on to state in the referral letter, "It seems to be work related."

On October 5, 1994, Dr. Pirela-Cruz performed a de Quervain's release of the claimant's right wrist. She was followed by Dr. Pirela-Cruz until October 20, 1994, when he released her from treatment. However, at the Preliminary Hearing the claimant testified she was still symptomatic in the right wrist.

Having reviewed the record as presented at the Preliminary Hearing, the Appeals Board affirms the Administrative Law Judge's finding that it is more probably true than not that claimant suffered a work-related accident while employed by respondent.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes, dated November 17, 1994, is affirmed and remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Robert R. Lee, Attorney at Law, Wichita, Ks  
Gary Winfrey, Attorney at Law, Wichita, KS

Nelsonna Potts Barnes, Administrative Law Judge  
George Gomez, Director